

desire and expectation, that her mother will provide for her, she having fully in her power to do so. Item. I give unto my four daughters *Mary C. Nesbit*, *Charcilla Cockey Deye Owings*, *Penelope D. Price*, and *Frances Thwaites Deye Owings*, one family Bible each, they having been heretofore provided for by my uncle the late *Thomas Cockey Deye*."

Thus it appears to have been the intention of the testator *John C. Owings* so to dispose of his property as that the provision for each of his children, noticed in his will, should be entirely or nearly equal. That is, of his eight children, he himself provided for two; his uncle had portioned four; and a seventh he left to be provided for by her mother. Of his eighth child, *Cassandra*, he takes no notice in his will; she had married, disposed of herself, and was then resident at a great distance from him. It appears in proof, that the "desire and expectation," thus expressed by this testator, and the exclusion of his daughter *Charlotte* from any share of his property, was in consequence of, and founded upon an express promise made to him by the plaintiff, (at a time when it is admitted on all hands she was in a perfectly sound state of mind,) that she would give all her property after her death to their daughter, this defendant, in fee simple; and in full confidence, that this promise so made to him for the benefit of *Charlotte* would be faithfully observed and kept, he made his will, and in about one month afterwards died.

Some time after the death of *John C. Owings*, his son *John*, being sick and in a rapidly declining state of health, declared his intention to devise his estate to his sister this defendant, when his mother, the plaintiff, dissuaded him from doing so, and induced him to give it to his sister *Cassandra*, promising him, that if he would do so, she the plaintiff would provide for the defendant. Upon the faith of which promise he made his will, devised his estate to his sister *Cassandra*, and died. There is nothing said in the pleadings about this devise by *John* to *Cassandra*; or as to *John's* inducement for making it. But it may be fairly inferred, that the plaintiff was actuated by a strong feeling of equity towards all her children; and knowing, that she had promised to give her estate to the defendant, she wished *John's* to take another direction, and be given to *Cassandra*, in order to provide for her; and also to prevent the defendant from obtaining a double portion. Taken in this point of view, I have deemed it a matter which might be noticed as a corroboration of the proofs in relation